

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Final Official Action provided. Upon entry of the present amendment, the claims 1, 21 and 23 will have been amended and claims 33-35 will have been canceled without prejudice or disclaimer. Claims 1-2, 4-5, 21, 23, 27-28 and 30-32 are pending in the present application for consideration by the Examiner.

The Examiner has rejected claims 1-2, 21, 23, 27-28 and 33-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,416,837 to NEEFE in view of U.S. Patent No. 4,416,837 to WICHTERLE. With respect to independent claims 1, 21 and 23, the Examiner has determined that NEEFE discloses the invention as claimed except for the cylindrical holder configured to surround and hold the base member and except for a ring-shaped positioning member, but has determined that WICHTERLE discloses such a limitations, and the Examiner concludes that it would have been obvious to combine these features with NEEFE.

Applicant respectfully traverses the Examiner's rejection. As noted in the above Discussion Summary, Applicant submits that the applied NEEFE and WICHTERLE references (as well as the other references of record) fails to teach or disclose at least a lower cylindrical holder configured to surround and fixedly hold a base member, an upper cylindrical holder configured to surround and fixedly hold an upper member, and a ring-shaped positioning member configured to be coaxially sandwiched between the lower and upper cylindrical holders, as substantially claimed in independent claims 1, 21 and 23 (the ring-shaped positioning member being incorporated into these independent claims from

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respective dependent claims 33-55, now canceled by the present amendment). This arrangement is described in Applicant's specification at, *inter alia*, page 7, line 5 – page 8, line 15.

Rather, for example, while WICHTERLE appears to show upper and lower members, the upper member (cover 4) serves merely to form a gas tight envelope with the carrier 2—the lower surface of the cover 4 *is not* configured to contact a surface of the mold 1. Further, none of the references teach or suggest the ring-shaped positioning member configured to be coaxially sandwiched between upper and lower holders. It is thus submitted that the present claimed invention is patentably distinct from WICHTERLE, NEEFE and the other references of record, alone or taken in any proper combination thereof.

With respect to rejected dependent claims 2, 4-5, 27-28 and 30-35, since these claims are dependent from one of claims 1, 21 or 23, which are allowable for at least the reasons discussed *supra*, pending dependent claims 2, 4-5, 27-28 and 30-32 are also allowable for at least these reasons (claims 33-35 having been canceled). Further, all dependent claims recite additional features which further define the present invention over the references of record.

Further, Applicants assert that the amendment to the claims does not raise new issues that require the Examiner to conduct an additional search. The present amendment has merely more clearly defined the present claimed invention. Accordingly, the Examiner

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is requested to exercise his discretion and enter the present amendment and allow each and every pending claim of the present application.

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §103, and respectfully request the Examiner to indicate the allowance the present application.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form and that none of the references either taken together or taken alone in any proper combination thereof, anticipate or render obvious Applicant's invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been pointed out. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to the claimed features argued as deficient in the prior art, should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding the present response, or this application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Toru CHIBA

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